

REMARKS

The enclosed is responsive to the Examiner's Final Office Action mailed on January 6, 2009. At the time the Examiner mailed the Office Action claims 1-18 were pending. By way of the present response applicants have: 1) amended claims 1, 7 and 16-18; 2) added no claims; and 3) canceled no claims. As such, claims 1-18 are now pending. Reconsideration of this application as amended is respectfully requested.

Allowable Subject Matter

The Examiner indicates that claims 6-15 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants note with appreciation the Examiner's indication of allowable subject matter.

Claim Rejections - 35 U.S.C. §102

Claims 1-5 stand rejected under 35 U.S.C. 102(b) as being anticipated by Wilson, (U.S. Patent number 5,749,811, hereinafter "Wilson").

Independent claim 1 as amended reads in part:

a pair of foot bindings for holding a rider's feet;
characterized in the simulator also includes a **pivoting mount assembly** for pivoting both the foot bindings together about a first simulator axis to simulate edge-to-edge roll movement of a board about the longitudinal or roll axis of the board, each foot binding being mounted to the pivoting mount assembly for relative rotation about respective rotation axes, the pivoting mount assembly including a ground-supported base pivotally connected along said longitudinal axis, to a pivoting member to which at least one of the foot bindings is coupled for movement toward and away from the other of the foot bindings...

(Emphasis added).

Wilson does not teach or suggest a pivoting mount assembly to simulate roll movement of a board about the longitudinal axis of the board because Wilson does not describe simulating a board at all. Wilson discloses a skiing simulator including a track (20) and separate foot platforms (30A, 30B) on the track. (Wilson, Abstract, Fig. 1). Each foot platform has independent horizontal and vertical pivoting axes. (Wilson, Abstract). The vertical pivot (36) and horizontal pivot (37) provide independently rotatable pivot axes about the center of each foot binding, shown as Y in Figure 5, and about an axis longitudinal to each foot binding. (Wilson, Col. 10, lines 33-38). Therefore, Wilson describes the axes of each foot binding are freely rotatable with respect to each axis and between the bindings and does not describe a single longitudinal axis of a board. In contrast, claim 1 describes "a pivoting mount assembly for pivoting both the foot bindings together about a first simulator axis to simulate edge-to-edge roll movement of a board about the longitudinal or roll axis of the board." (Emphasis added).

In addition, Wilson does not describe edge-to-edge roll movement of a board about the roll axis of the board. Wilson provides for a realistic skiing simulator which substantially reproduces the independent and freely rotatable edging and twisting motion experienced when skiing. (Wilson, col. 11, line 50-67). The edging motion in Wilson is in a left, right rolling direction. (Wilson, col. 11, line 50-67). Due to the freely rotatable nature of pivot described in Wilson, Wilson cannot and does not contemplate a longitudinal "roll" axis at all. In contrast, claim 1 describes "a pivoting mount assembly for pivoting both the foot bindings together about a first simulator axis to simulate edge-to-edge roll movement of a board about the longitudinal or roll axis of the board." (Emphasis added).

Moreover, Wilson does not describe a pivoting mount assembly for pivoting both of the foot bindings together about a first simulator axis. Wilson discloses that each foot platform has an independent horizontal pivot and an independent vertical pivot. (Wilson, Col. 10, lines 33-38). Specifically, Wilson discloses "the two foot platforms are independently and freely moved laterally along the track and rotationally about pivot rods." (Wilson, col. 10, lines 39-41, emphasis added). Therefore, Wilson describes each foot binding pivoting independently and not together. In contrast, claim 1 describes "a pivoting mount assembly for pivoting both the foot bindings together about a first simulator axis to simulate edge-to-edge roll movement of a board about the longitudinal or roll axis of the board." (Emphasis added).

Therefore, applicants respectfully submit that claim 1 is not anticipated by Wilson. Given that claims 2-5 are dependent claims with respect to 1, either directly or indirectly, and add additional limitations, applicants submit that claims 1 and 2-5 are not anticipated by Wilson under 35 U.S.C § 102(b).

Independent claim 16 as amended reads in part:

providing a simulator for board sports...
fixing both the rider's feet in the foot bindings in an initial narrow stance;
adjusting the spacing between the foot bindings to broaden the rider's stance while the rider attempts to balance about the first simulator axis; and
measuring the spacing between the foot bindings.

(Emphasis added).

Wilson does not teach or suggest fixing both the rider's feet in the foot bindings in an initial narrow stance and adjusting the spacing between the foot bindings to broaden the rider's stance. Wilson allows at all times free unrestricted and independent

rotational and lateral movement of each foot binding. (Wilson, col. 3, line 67 to col. 4, line 5). Each binding freely rotates about longitudinal and vertical independent axis and each binding freely slides toward and away from the other binding. (Wilson, col. 3, line 67 to col. 4, line 5). Therefore, Wilson describes each foot binding is freely movable. Nowhere does Wilson describe fixing the rider's feet in an initial stance because in Wilson the foot bindings are not fixed. In contrast, claim 16 describes "fixing both the rider's feet in the foot bindings in an initial narrow stance and adjusting the spacing between the foot bindings to broaden the rider's stance while the rider attempts to balance about the first simulator axis." (Emphasis added). Therefore, applicants respectfully submit that claim 16 is not anticipated by Wilson.

Given that claims 17 and 18 are dependent claims with respect to 16, either directly or indirectly, and add additional limitations, applicants submit that claims 16-18 are not anticipated by Wilson under 35 U.S.C § 102(b).

Applicants, accordingly, respectfully submit that the rejection of claims 1-5 and 16-18 under 35 U.S.C. § 102(b) as being anticipated by Wilson has been overcome.

CONCLUSION

Applicants respectfully submit that in view of the amendments and arguments set forth herein, the applicable objections and rejections have been overcome.

Applicants reserve all rights under the doctrine of equivalents.

Pursuant to 37 C.F.R. 1.136(a)(3), applicant hereby requests and authorizes the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

Respectfully Submitted,
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